

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Master File No. 1:01-CV-12257-PBS
LITIGATION)	Sub-Category Case No. 1:08-CV-11200
)		
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
<i>United States ex rel. Linnette Sun and Greg</i>)	
<i>Hamilton, Relators</i>)	
)		
<i>v.</i>)	
<i>Baxter Hemoglobin Therapeutics; Baxter</i>)	
<i>International Inc.; Baxter Healthcare</i>)	
<i>Corporation</i>)	

THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER

Counsel for Defendant Baxter International Inc. and Counsel for Relators have conferred and have jointly agreed upon a proposed schedule for this case as described in the attached document. The parties hereby request that the Court accept and adopt the proposed schedule.

Respectfully submitted,

Dated: August 31, 2010

/s/ Merle DeLancey

Merle M. DeLancey
Tina D. Reynolds
Shamir Patel
Admitted pro hac
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

/s/ Peter E. Gelhaar

Peter E. Gelhaar (BBO #188310)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, MA 02108
Telephone: (617) 720-2880
Facsimile: (617) 720-3554
Counsel for Defendant Baxter International Inc. and
Baxter Healthcare Corporation

CERTIFICATE OF SERVICE

I hereby certify that I, Shamir Patel, an attorney, electronically filed the foregoing [PROPOSED] SCHEDULING ORDER with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on August 31, 2010. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties.

/s/ Shamir Patel

Shamir Patel

DICKSTEIN SHAPIRO LLP

1825 Eye Street NW

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Master File No. 1:01-CV-12257-PBS
LITIGATION)	Sub-Category Case No. 1:08-CV-11200
)	
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
<i>United States ex rel. Linnette Sun and Greg</i>)	
<i>Hamilton, Relators</i>)	
<i>v.</i>)	
<i>Baxter Hemoglobin Therapeutics; Baxter</i>)	
<i>International Inc.; Baxter Healthcare</i>)	
<i>Corporation</i>)	

[PROPOSED] SCHEDULING ORDER

September ___, 2010

Saris, U.S.D.J.

WHEREAS, Relators Linnette Sun and Greg Hamilton (“Relators”) filed their original Complaint on April 22, 2005 and a First Amended Complaint on June 14, 2005 in the U.S. District Court, District of Colorado;

WHEREAS, the First Amended Complaint was unsealed on January 15, 2008, and assigned Civil Action No. 05-cv-00736-WDM-MJW;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel Multidistrict Litigation on July 14, 2008 and assigned case No. 08-cv-11200-PBS;

WHEREAS, the case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 15, 2008;

WHEREAS, Relators filed a Second Amended Complaint on August 13, 2010 in the United States District Court, District of Massachusetts;

WHEREAS, Defendant Baxter Healthcare Corporation filed an Answer to the Second Amended Complaint on August 26, 2010;

WHEREAS, Relators have agreed to voluntarily dismiss Defendants Baxter International, Inc. and Baxter Hemoglobin Therapeutics, leaving only Defendant Baxter Healthcare Corporation;

WHEREAS, counsel for the Relators and counsel for the Defendants have conferred, and would like to explore the possibility of a resolution of this matter through informal mediation prior to the start of discovery;

NOW THEREFORE, it is ORDERED, as follows:

1. Relators will provide Defendants with a formal demand by no later than August 31, 2010.
2. Relators and Defendants shall engage in informal mediation prior to October 29, 2010 in an attempt to resolve this matter.
3. All deadlines shall be stayed during the pendency of this mediation period.
4. Should mediation not be successful, the parties will, by no later than November 15, 2010, jointly propose a schedule to the Court for further proceedings.

So ordered.

Judge Patti B. Saris